

REMARKS

Claims 1-6 are pending in this application. By this Amendment, claims 1-5 are amended. Support for the amendments to the claims may be found, for example, in the original claims and specification. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

The Office Action rejects claims 1-5 under 35 U.S.C. §102(b) over U.S. Patent No. 5,809,444 to Hadelar et al. ("Hadelar"). Applicants respectfully traverse the rejection.

By this Amendment, claim 1 is amended to clarify the recited calculating device. Hadelar discloses a system for controlling the dynamics of motor vehicles that represents the movement of a vehicle that has actuators for applying a braking force to the vehicle wheels. Hadelar's invention consists of adjusting a control variable within a desired range of control variables by the actuators. This desired range is defined by two specific limit values. *See* Hadelar at col. 2, lines 23-28. The controller only intervenes in the movement of the vehicle if the control variable lies outside the desired range. *See* Hadelar at col. 2, lines 40-45 and 57-59. The desired range can be corrected depending on different variables, but the Hadelar device seeks to maintain the control variable within the outside desired range. Actuation of the brakes takes place when the control variable varies, or appears to be varying, outside the desired range. *See* Hadelar at col. 8, lines 61-65.

Claim 1 recites that the calculating device "judges an abnormality of the operating device and separately judges an abnormality of the controlling amount, and decreases the controlling amount at a higher speed when the abnormality of the controlling amount was judged than when the abnormality of the operating device was judged." The pending claims include an apparatus for controlling timing and severity of control in dealing with an abnormality, unlike Hadelar. Hadelar simply teaches a desired range and maintaining a

variable within the range. There is nothing in Hadelar that can reasonably be construed to teach judging different abnormalities and executing differing corrections.

The specification explains that the control is decreased by decreasing the controlling amount at a relatively moderate speed properly adjusted to the speed at which the abnormality comes out in the results of control. However, when an abnormality has occurred in a controlling amount by an abnormality of the calculating portion, the control is adjusted at a relatively high speed. *See* specification at page 13, lines 4-12. Generally, it is appropriate to more quickly cease the control when an abnormality has occurred. When an abnormality occurs in an operating portion in an early stage, it takes time to judge the abnormality. The recited control system appropriately deals with an abnormality of an operating portion and an abnormality of a controlling amount. This may be critical in controlling vehicles when an abnormality occurs. Hadelar does not teach these features and does not recognize the unforeseen benefits achieved by the subject matter of the pending claims. Therefore, Hadelar does not anticipate, and would not have rendered obvious, claim 1.

Claims 2-5 depend from claim 1 and are allowable for at least the same reasons as claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

The Office Action rejects claim 6 under 35 U.S.C. §103(a) as being unpatentable over Hadelar in view of U.S. Patent No. 5,857,160 to Dickinson et al. ("Dickinson"). Applicants respectfully traverse the rejection.

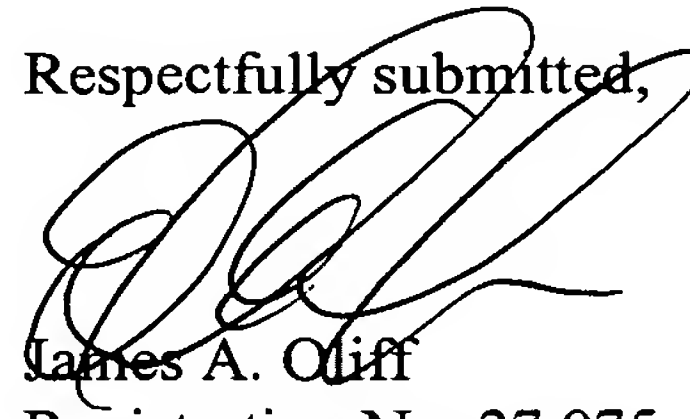
The Office Action provides no suggestion or basis for concluding that Dickinson cures the above-noted deficiencies of Hadelar with respect to claim 1. Accordingly, claim 6 is patentably distinct from the asserted combination of Hadelar and Dickinson at least because of its dependence from claim 1, as well as on the basis of its additional limitations.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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